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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/553,423	04/19/2000	STUART A FRASER	CF/002	3987
1473	7590	11/03/2005	EXAMINER	
FISH & NEAVE IP GROUP ROPES & GRAY LLP 1251 AVENUE OF THE AMERICAS FL C3 NEW YORK, NY 10020-1105			DASS, HARISH T	
			ART UNIT	PAPER NUMBER
			3628	

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/553,423

**Applicant(s)**

FRASER ET AL.

**Examiner**

Harish T. Dass

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 38-42 is/are pending in the application.
- 4a) Of the above claim(s) 4-37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 38-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/1/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

Original claims 2-3 are canceled.

Claims 4-37 are withdrawn.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 38-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over May (US 6,317,727) in view of Tozzoli (US 5,717,989).

Re. Claim 1, May discloses applying a host qualification test to the participant (credit screening -- col. 6 lines 12-13), assigning qualification trading parameters to the participant based upon the host qualification test (color codes -- col. 6 lines 35-42; col. 30 lines 20-35), assigning qualification trading parameters to the participant (col. 27 lines 55-64; Figure 7 -- creditworthiness and levels), and determining whether the party qualifies to trade in the electronic trading system [see the entire document particularly: Abs; figures 1-32; C6 L12-L62; C54 L63 to C55 L20].

May, explicitly, does not disclose applying a third-party qualification test.

However, Tozzoli discloses this step (see setting limits and credit agency ratings) [read entire document particularly, Abstract; Figures 1-2, 4; C1 L5-L35; C3 L57 to C4 L26; C4

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L50-L63; C5 L35-L60; C6 L20-L32; claims] to shield seller from risk of non-payment and buyer compliance of seller with the original purchase order. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the disclosures of May and Tozzoli to facilitate trading qualifications of a buyer and a seller, and shield the buyer and seller from trade risk.

Re. Claim 38, May, explicitly, does not disclose bypassing the third party qualification test when the participant passes the host qualification test. However, Tozzoli discloses this step [C6 L20-L32 – see funder may elect ...] to accelerate the process. It would be obvious to one of ordinary skill in the art to modify disclosure of May and add bypassing third party qualification, as taught by Tozzoli, to make the qualification easy for immediate approval of profile.

Re. Claim 39, May discloses a measure of a number of trades made by the participant, and a measure of an amount of trades made by the participant, and a measure of volatility in a market in which the participant is participating, and a measure of a range of prices in the market in which the participant is participating, and a measure of volume in the market in which the participant is participating [Abs; C1 L50 to C2 L65].

Re. Claim 40, May discloses applying to the participant a qualification test that evaluates whether the participant qualifies to trade with a second participant that is qualified to trade with a third participant, and determining that the participant qualifies to

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trade in the electronic trading system with the third participant based upon the participant qualifying to trade with the second participant (by the other) [C56 L54-60]. Further, in currency trade only larger banks and financial institutions are able to do cross boarder currency trade because of money laundering and regulations, smaller banks have to trade through larger banks whom qualifies them to buy and sell foreign currency to end parties as an agent or third party.

Re. Claim 41-42, are rejected with same rational as claim 1.

### ***Response to Arguments***

Examiner thanks the Applicant for point out the typographical error.

- a. Applicant's arguments, see remarks, filed June 1, 2005, with respect to non-final office action have been fully considered and are persuasive.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harish T. Dass whose telephone number is 571-272-6793. The examiner can normally be reached on 8:00 AM to 4:50 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 571-272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Harish T Dass  
Examiner  
Art Unit 3628

10/31/05

  
FRANTZY DOINUIL  
PRIMARY EXAMINER

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